

## REMARKS

### **1. Amendments**

Independent claim 1 is amended to incorporate the limitation of dependent claim 6 therein. Consequently, claim 6 is canceled.

Independent claim 10 is amended to better define the adding step and the composition that is added to the bitumen, or aggregate, or mixture thereof.

New claims 11-35 are added to the specification. Among these, claims 20, 25 and 30 are independent.

Claim 20 is directed to a sulfur pellet composition and uses the transitional phrase “consisting essentially of” to exclude components that materially affect the composition such as the bitumen, or the aggregate, or asphalt that is referenced in the cited prior art.

Claim 25 is directed to a composition that includes a sulfur pellet having an absence of bitumen or aggregate, or both.

Claim 30 is a process for making a sulfur pellet in which the step of mixing sulfur and an H<sub>2</sub>S suppressant excludes mixing therewith bitumen or aggregate, or both.

### **2. Objections**

The Examiner has objected to certain spellings of words in the specification and has asked for correction thereof. While the Applicant has no objection to changing the noted spellings, it is respectfully submitted that, except for the noted “at least” phrase, a change of the spellings is not necessary as noted in the MPEP §608.01, where it indicates that there is no need for the Examiner to object to the specification and/or claims in a patent application merely because applicants are using British English spellings rather than American English spellings.

The informality with respect to claim 10 has been corrected by amendment thereof.

### **3. §103(a) rejection of claims 1-9 over US 4,756,763 to Etnyre in view of US 3,960,585 to Gaw.**

It is respectfully submitted that the claimed compositions and methods are distinguishable over the prior art in that the compositions are directed to pellets of sulfur that also contain an H<sub>2</sub>S

suppressant but do not further include a significant amount of bitumen or aggregate or both. This is because one of the important features of the invention is that it provides for the homogenous mixing of sulfur and an H<sub>2</sub>S suppressant and the formation of a pellet that is subsequently mixed with bitumen or aggregate or both. The cited references do not teach this.

The Etnyre patent teaches sulfur-asphalt pellets and the manufacture thereof instead of pellets made of sulfur without asphalt. *See e.g.*, column 2, lines 9-11, 18-19, 24-27, 66-68; column 3, lines 3-5; column 4, lines 7-9; and claims. The Gaw patent teaches the addition of a hydrogen sulfide suppressant to a sulfur-asphalt composition. See *e.g.*, column 1, lines 50-55; column 2, lines 32-33; and claims.

It is respectfully submitted that a distinguishing aspect of the Applicant's invention is that it provides for the separate preparation of pellets of sulfur, which contain the H<sub>2</sub>S suppressant, that may be made remotely from the location of, or at least separately from, the preparation of a paving mixture to which the pellets are added. This is significantly different than what is taught by the references.

#### **4. Conclusion**

In view of the above comments, it is respectfully submitted that the claims 1-35 that are pending in this application are patentable. Early allowance thereof is therefore respectfully requested.

Respectfully submitted,

DEME IMANTS

By /Charles W. Stewart

Their Attorney, Charles W. Stewart  
Registration No. 34,023  
(713) 241-0360

P. O. Box 2463  
Houston, Texas 77252-2463